

## REMARKS

Claims 1-26 are pending prior to entering this amendment.

The examiner rejects claims 1, 5, 8, 12, 15, 19, 22, and 26 under 35 U.S.C. § 103(a) as being unpatentable by Matthews Jr. et al. (U.S. Patent 6,457,125, hereinafter referred to as Matthews) in view of Fletcher et al. (U.S. 6,009,274, hereinafter referred to as Fletcher), and further in view of Richman et al. (U.S. 5,655,148, hereinafter referred to as Richman).

The examiner rejects claims 2-4, 9-11, 16-18, and 23-25 under 35 U.S.C. § 103(a) as being unpatentable by Matthews in view of Fletcher, Richman, and further in view of Collins (U.S. Patent No. 5,671,355, hereinafter referred to as Collins).

The examiner rejects claims 6-7, 13-14, and 20-21 under 35 U.S.C. § 103(a) as being unpatentable by Matthews in view of Fletcher, and further in view of Richman.

The applicants amend claims 1, 8, 15, and 22.

The application remains with claims 1-26 after entering this amendment.

The applicants add no new matter and request reconsideration.

### Claim Rejections Under §103

Claims 1, 5, 8, 12, 15, 19, 22, and 26 are rejected under 35 U.S.C. 103(a) as being obvious over Matthews in view of Fletcher, and further in view of Richman. The applicants traverse the rejections for the reasons that follow.

Claim 1 is now amended to recite *storing a first hardware configuration of a networked communications device in a memory on said networked communication device, said first hardware configuration having an associated checksum and an associated timestamp indicating when said first hardware configuration was received, and said network communication device including a plurality of programmable logic units to be programmed.*

Claims 8, 15, and 22 have been amended identically as in claim 1.

The examiner alleges that Matthews teaches storing a first hardware configuration of a networked communication device, citing col. 1, lines 45-46. However, nowhere does Matthews mention or suggest storing a first configuration file in a memory on said networked communication device as recited in claim 1, instead Matthews teaches that “the host may then store the encrypted configuration information for later transfer to the programmable hardware device.” See col. 1, lines 45-46. Matthews refers to this host as the “external host”. See col. 1, line 57. As illustrated in FIG. 2, Matthews’ host (i.e., 130) is a separate and independent element from the programmable hardware device itself (i.e., 110). This is in direct contrast with the claimed element, which explicitly requires the first configuration file

being stored in a memory of the network communication device. As such, Matthews does not store a first configuration file in a memory on said network communication device, but instead stores a first configuration file in an external host, separately and independent from the programmable hardware device or the networked communication device recited in claim 1.

Claim 1 further recites *receiving a second hardware configuration over a network, wherein said second hardware configuration is received into said memory of said networked communications device, and said second hardware configuration is different from said first hardware configuration.*

The examiner alleges that Matthews teaches the above recitation, citing col. 1, lines 42-50. However, Matthews does not teach receiving a second hardware configuration into the memory of said networked communication device, wherein the second hardware configuration is different from the first hardware configuration. Matthews teaches only one type of hardware configuration, instead of two different hardware configurations. Specifically, Matthews teaches “secure configuration of a programmable hardware device by encrypting the configuration information according to a cryptographic algorithm, transferring the encrypted configuration information from a host to the programmable hardware device, decrypting the configuration according to the same cryptographic algorithm, and configuring a plurality of programmable logic modules in the programmable hardware device according to the configuration information.” See col. 1, lines 31-41. In other words, Matthews teaches the same hardware configuration, which is encrypted and then decrypted at various stage of the process. Nowhere does Matthews mention or suggest receiving a second hardware configuration different from the first hardware configuration. Logically, Matthews cannot teach programming the programmable logic units on said networked communication device according to said second hardware configuration.

The examiner acknowledges that Matthews does not teach all of the claimed elements.

However, the examiner alleges that Fletcher teaches a timestamp for determining if the correct hardware configuration is present, citing col. 10, lines 53-56. The applicant disagrees for the following reasons.

Fletcher discloses a method and apparatus for automatically updating software components in one or more end systems in a network. Abstract. Fletcher’s components include network and non-network software as well as operating system software. Abstract. Specifically, Fletcher teaches comparing the version levels of the software component to

determine if there is any discrepancy. See col. 10, lines 53-60. A discrepancy may exist if the software component version currently running at the end system is older than or outdated by the latest or newest version available from the automatic software updating (ASU) server. A discrepancy also exists if there is no current version of the software component exists at the agent (end system). See col. 10, lines 60-67. As such, Fletcher is primarily concerned with automatic software update.

In contrast, the subject matter of claims 1, 8, 15, 22, and their respective dependent claims provides hardware update for a networked communication device. The claims explicitly require a timestamp to indicate when the associated hardware configuration was received at the network communication device. Nowhere has Fletcher mentioned or suggested such a timestamp to indicate when the associated hardware configuration was received at the network communication device. Therefore, the addition of Fletcher to the combination adds nothing to overcome the deficiencies in Matthews.

The examiner further alleges that in view of Richman, it is obvious to one of ordinary skill in the art at the time of the invention to have *the programmable logic unit coupled with said network device via a removable card, and wherein said removable card is removably attached to said networked communication device*. The examiner states that the motivation to combine comes from simple interchangeability for ease of reconfiguration, citing lines 43-51 of column 4. But neither the cited portion nor Richman as a whole gives a hint of simple interchangeability for ease of reconfiguration. Furthermore, Richman teaches device installation or removal from the computer, or the insertion or the removal of a computer into or from a docking station. See col. 7, lines 29-37. Richman's device may include peripheral devices or adaptor boards for a computer. See col. 3, lines 1-2. This is in contrast with claim 1, which recites a removable card removably attached to the network communication device. In other words, Richman teaches removal of a device in its entirety, whereas the claimed element recites removal of a portion of the device (e.g., a card that includes the processor and memory) from the device. Consequently, the addition of Richman to the combination adds nothing to overcome the deficiencies in Matthews.

Claims 2-4, 9-11, 16-18, and 23-25 are rejected under 35 U.S.C. 103(a) as being obvious over Matthews in view of Fletcher, Richman, and further in view of Collins. The applicants traverse the rejections for the reasons that follow.

The examiner acknowledges that Matthews does not teach all of the claimed elements in claims 2-4, 9-11, 16-18, and 23-25.

The examiner alleges that Collins discloses a router and a switch. However, even if Collins discloses such router or switch as alleged by the examiner, Collins still does not cure the deficiencies of Matthews noted above with respect to the amended claims 1, 8, 15, and 22. As such, the combination of Matthews in view of Fletcher, Richman, and further in view of Collins does not render obvious claims 1, 8, 15, and 22, and their respective dependent claims 2-3, 9-10, 16-17, and 23-24.

The examiner further alleges that Collins teaches claims 4, 11, 18, and 25, citing col. 8, lines 19-31, and col. 7, lines 51-60. However, Collins does not teach creating said first hardware description, wherein said processor creates said first hardware description using said configuration description. Collins teaches sending the desired configuration to the interface device 10 or to send the configuration information to the desired reconfigurable element 12, 14, 22. See col. 8, lines 27-32. This is in contrast with the claimed subject matter, which requires not only sending of the configuration description, but also creating a first hardware configuration based on the configuration description. As such, the combination of Matthews in view of Fletcher, Richman, and further in view of Collins does not render obvious claims 4, 11, 18, and 25.

Claims 6-7, 13-14, and 20-21 are rejected under 35 U.S.C. 103(a) as being obvious over Matthews in view of Fletcher, and further in view of Richman. The applicants traverse the rejections for the reasons that follow.

The examiner acknowledges that Matthews does not teach all of the claimed elements in claims 6-7, 13-14, and 20-21.

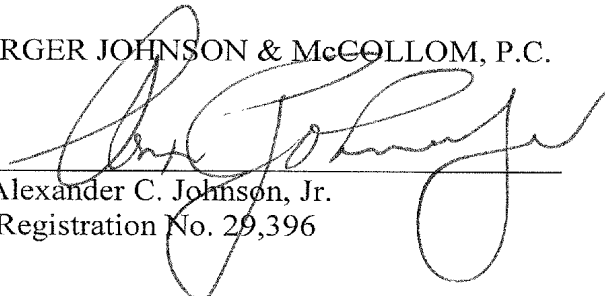
However, the examiner alleges that Fletcher discloses the scheduling and comparison as taught in the claims. As discussed above, Fletcher is primarily concerned with automatic software update, while the subject matter of these claims is about hardware configuration and update. As such, Fletcher addresses a different technical problem than the subject matter of the claims. Furthermore, nowhere has Fletcher suggested or mentioned that the scheduling and comparison solution taught therein can be used in other areas. Therefore, the combination of Matthews in view of Fletcher, and further in view of Richman does not render obvious claims 6-7, 13-14, and 20-21.

In view of the foregoing amendments and remarks, applicants believe the application should be in condition for allowance. If any questions remain, the Examiner is requested to call the undersigned.

Respectfully submitted,

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